



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.318 of 2026

Raja Kishore Sahoo and others

Petitioners

Represented by Adv. –

Mr. Gajendranath Rout

-versus-

Brajabandhu Sahoo and another

Opposite Parties

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

24.02.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard the learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
 3. By filing the CMP application under Article 227 of the Constitution of India, the Defendant Nos.2 to 5 in the suit in C.S. No.915 of 2016 pending before the learned Civil Judge (Senior Division), 2nd Court, Cuttack, has approached this Court assailing the order dated 22.03.2025 passed in the above noted suit.
 4. Learned counsel for the Petitioner, at the outset, contended that due to illness of the conducting counsel of the Defendant Nos.2 to 5, he could not appear before the trial court, as a result of which, the Defendant Nos.2 to 5 are precluded with their evidence in the suit. Subsequently, an application was filed with the prayer to recall order dated 22.03.2025 by the Petitioners-Defendant No.2 to 5 to adduce their evidence. However, such application having been rejected vide



the impugned order, the Petitioner has approached this Court by filing the present CMP application.

5. Upon hearing the learned counsel for the Petitioner, this Court is of the view that the matter requires further hearing in presence of the Opposite Parties.

6. Hence issue notice to the Opposite Parties by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within a week hence.

7. List this matter in the week commencing 30th March, 2026.

I.A. No.263 of 2026

8. Heard the learned counsel for the Petitioner.

9. As an interim measure, it is directed that on an application being filed by the Petitioners before the learned Civil Judge (Senior Division), 2nd Court, Cuttack seeking adjournment of C.S. No.915 of 2016, the learned Civil Judge (Senior Division), 2nd Court, Cuttack shall do well to adjourn the suit for a period of six weeks.

(Aditya Kumar Mohapatra)
Judge

Debasis